

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Morris ZELKHA

Serial No. 10/512,414

IA Filing Date: April 21, 2003

For: TOMATO PRODUCT AND METHOD FOR OBTAINING...

Atty's Dkt: ZELKHA

) Application Division

) ATTN: PCT

) Washington, D.C.

) Confirmation No. 6667

) Date: August 9, 2005

LATE SUBMISSION OF DECLARATION AND/OR FEES IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office

Customer Service Window

Randolph Building, Mail Stop Missing Parts

401 Dulany Street

Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated June 13, 2005. Attached hereto is/are:

- [] An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information.
- [XX] A Preliminary Amendment [XX] Fees are reduced due to elimination of claim multiple dependencies.
- [] Additional fees as calculated below:

<input type="checkbox"/> Basic fee			
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$	
Number of each additional 50 pages or fraction thereof (round up to a whole number)		RATE	
		X \$250.00	
Number of Claims Previously Paid For	Number of Extra Claims	Rate	
17- 20 = 0		X \$ 50.00	\$
1- 3 = 0		X \$200.00	\$
Multiple Dependent Claims (if applicable)		+ \$360.00	\$
TOTAL OF ABOVE CALCULATIONS			\$00
Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.			<\$ >
SUBTOTAL			\$
Processing fee of \$130.00 for late furnishing of the English translation.			\$
TOTAL NATIONAL FEE			\$

- [] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity
Response Filed Within

<input type="checkbox"/> First	-	\$ 60.00
<input type="checkbox"/> Second	-	\$ 225.00
<input type="checkbox"/> Third	-	\$ 510.00
<input type="checkbox"/> Fourth	-	\$ 795.00
<input type="checkbox"/> Fifth	-	\$1,080.00

month after time period set

Other Than Small Entity
Response Filed Within

<input type="checkbox"/> First	-	\$ 120.00
<input type="checkbox"/> Second	-	\$ 450.00
<input type="checkbox"/> Third	-	\$1,020.00
<input type="checkbox"/> Fourth	-	\$1,590.00
<input type="checkbox"/> Fifth	-	\$2,160.00

month after time period set

- [] Total fees enclosed: \$.00

- [] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$.00 is enclosed to cover the above fees.

- [XX] Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

- [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By:

Sheridan Neimark
Registration No. 20,520

SN:ses

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09 AUG 2005 #4



UNITED STATES PATENT AND TRADEMARK OFFICE

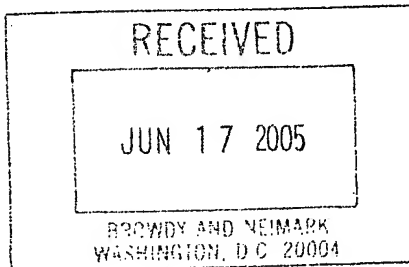
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MAK4

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/512,414	Morris Zelkha	ZELKHA5

INTERNATIONAL APPLICATION NO.	
PCT/IL03/00325	
I.A. FILING DATE	PRIORITY DATE
04/21/2003	

001444
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303



CONFIRMATION NO. 6667
371 FORMALITIES LETTER
OC000000016254111
OC000000016254111

Date Mailed: 06/13/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/25/2004
- Copy of the International Search Report filed on 10/25/2004
- Copy of IPE Report filed on 10/25/2004
- Oath or Declaration filed on 10/25/2004
- Request for Immediate Examination filed on 10/25/2004
- U.S. Basic National Fees filed on 10/25/2004
- Priority Documents filed on 10/25/2004

MSP = 13 AUG 2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$360** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$360** for a Large Entity:

- Total additional claim fee(s) for this application is **\$ 360**
 - **\$360** for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,

WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211.

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/512,414	PCT/IL03/00325	ZELKHA5

FORM PCT/DO/EO/923 (371 Formalities Notice)